

Board of Pardons and Paroles consideration of domestic violence
(HCR 119 by Hinojosa/Parmer)

DIGEST: HCR 119 would have requested the governor to direct the Board of Pardons and Paroles (BPP) to investigate the cases of all persons convicted of murder or first-degree felonies that were related to victimization by domestic violence and make recommendations for pardons or clemency.

GOVERNOR'S
REASON
FOR VETO:

HCR 119 would impose a massive, impractical and unreasonable administrative burden on the BPP because no specific classification currently exists to indicate when a crime has been related to domestic violence. It is recognized that a response to domestic violence can play a part in the commission of some crimes. The BPP does and will continue to take note of domestic violence that is related to crimes when individuals come before the board for consideration of a parole or pardon.

RESPONSE:

Rep. Juan Hinojosa, the author of HCR 119, said that such action "shows that Republicans are lying when they claim to welcome women and minorities. They do not believe in fairness, justice and equality. They don't want to be inconvenienced for fairness, justice and equality." The persons that could benefit from BPP review, he said, generally have no prior record, are no danger to society and there's very little chance of a repeat of the offense. Many courts in the state are not allowing the full picture to be presented by not allowing evidence of domestic violence against a defendant over the years to be heard at trial in order to show why a victim would resort to using a deadly weapon to defend herself against a usually physically superior adversary, Rep. Hinojosa said.

Rep. Hinojosa added that the governor had received poor advice from his chief counsel, Rider Scott, and deputy general counsel, Knox Fitzpatrick, in favor of the veto, saying that Fitzpatrick had indicated that "not only was he insensitive to women in these situations, but that he had no comprehension of the situation to the point that it bordered on incompetence." He contended that both Scott and Fitzpatrick "have a

prosecutor mentality, do not understand the full picture, and are still living in the caveman era."

NOTES:

HCR 119 passed the House on the Resolutions Calendar and was not analyzed in a Daily Floor Report. Related legislation, HB 2280 by Hinojosa, which would have allowed a defendant to introduce "battered person syndrome" evidence in a criminal case, was also vetoed by the governor.